

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

HOWARD DALE NIELSEN, #1106503

VS. CIVIL ACTION NO. 5:05cv75

## DIRECTOR, TDCJ-CID

## ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Caroline M. Craven. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case.

Respondent filed objections to the Report and objected to the fact that the Report does not recommend dismissing the case as time-barred. This Court made a *de novo* review of Respondent's objection and determined that it lacks merit.

This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

**ORDERS, ADJUDGES, and DECREES** that this action is **DISMISSED WITH PREJUDICE**; and

**ORDERS** that all motions not previously ruled on are denied.

**SIGNED this 6th day of October, 2005.**

David Folsom  
DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE